IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP Nos. 374, 375, 376,378,379,380,382,383, 385,386,388,389 of 2005.

Decided on:12.6.2007

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1. CWP No. 374/2005

Shanti Devi …Petitioner.

Versus

State of H.P. & others. …Respondents

2. CWP No. 375/2005

Shakti Parshad …Petitioner.

Versus

State of H.P. and others. …Respondents.

3. CWP No.376/2005

Bhagat Ram. …Petitioner.

Versus

State of H.P. & others. …Respondents.

4. CWP No. 378/2005

Chaman Singh …Petitioner.

Versus

State of H.P. & others. …Respondents.

5. CWP No.379/2005

Sumitra Devi …Petitioner.

Versus

State of H.P. & others. …Respondents.

6. CWP No.380/2005

Dhiana …Petitioner

Versus

State of H.P. & others. …Respondents.

7. CWP No. 382/2005

Jagto …Petitioner

Versus

State of H.P. and others. …Respondents.

8. CWP No. 383/2005

Kamla Verma. …Petitioner.

Versus

State of H.P. & others. …Respondents

9. CWP. No. 385/2005

Brahmi Devi …Petitioner.

Versus

State of H.P. & others. …Respondents.

10. CWP No.386/2005

Krishana Devi …Petitioner

Versus

State of H.P. & others. …Respondents.

11. CWP No. 388/2005

Veena Thakur …Petitioner.

Versus

State of H.P. & others …Respondents.

12. CWP No. 389/2005

Khem Raj …Petitioner.

Versus

State of H.P. & others. …Respondents.

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The Hon'ble Mr. Rajiv Sharma, J.

Whether approved for reporting ?[1].

For the petitioner :	**Mr. Dharamvir Sharma and Mr. D.S. Kainthla, Advocates**
For the respondent No.1 & 2	**Mr. M.S. Chandel, Advocate General with Mr. M.A. Khan and Ms. Meenakashi Sharma, Deputy Advocates Generals.**
For the respondent No.3	**Mr. K.D. Shreedhar, Advocate.**

(In all the cases)

Rajiv Sharma, J. (Oral)

Since the common questions of law and facts are involved in these petitions, the same are heard and disposed of by a common judgment.

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgment***?

The brief facts necessary for the adjudication of the present petitions are that a notification under section 4 of the Land Acquisition Act, 1894 was issued on 25th April, 1992. The award was made on 31.7.1993 by the Land Acquisition Collector. A scheme named as Re-settlement and Rehabilitation of Oustees of Chamera Hydel Project (Grant of Land Scheme, 1992) was framed by the State of Himachal Pradesh which was notified on 5th March, 1993 vide Annexure PA. The scheme was framed under Rule 8-A of the H.P. Nautor Rules, 1968. According to the petitioners no land was granted to them but employment was provided to the affected families including the petitioners. The scheme of 1992 was revised on 16.11.2002 in High Power Committee to give alternative package in lieu of employment to the affected families i.e. Rs. 3 lakhs in case of Chamera Stage-I and Rs. 2.5 lakhs to the affected families in case of Chamera Stage-II. The revised scheme is placed on record of the paper books vide Annexure PB. Vide notification dated 5th July, 2003, a committee to re-assess the package to be released to the Chamera Stage-I and Chamera Stage-II oustees in lieu of employment to identify their actual status was constituted. The committee constituted pursuant to notification dated 5th July, 2003 in its meeting held on 19th July, 2003 had decided that team comprising of Revenue Officers be constituted and sent to reassess/re-examine all the cases at the spot i.e. in the concerned Mohal. The list on the basis of the report furnished by the Revenue Agency was to be finalized by 30th September, 2003.

Mr. Dharamvir Sharma, Advocate appearing on behalf of petitioners had strenuously argued that in Annexure R-1, the names of the petitioners do not figure for receiving the package.

The learned counsel appearing on behalf of the respondents had argued that it was incumbent upon the persons concerned to file their

claim or objection during the prescribed period of one month i.e. 1st July, 2004 to 31st July, 2004 if their names did not figure in the list of 192 persons or some persons were wrongly included in the list.

I have heard the parties and perused the record.

The petitioners are illiterate persons and were not aware of the issuance of notifications from time to time. The first scheme was notified on 5th March, 1993 and thereafter the scheme was revised on 16th November, 2002. As per the revised scheme, a decision to provide alternative package in lieu of employment to the affected families @ Rs. 3.00 lakhs in case of Chamera Stage-I and @ Rs. 2.5 lakhs in case of Chamera Stage-II was taken.

It is evident from the reply filed by the respondents No.1 and 2 that the names of the petitioners do not find mention only for the reasons that they had not filed any objection to the draft whereby the objections were called from the claimants. The period prescribed for raising objections, as per the contents of the reply filed by respondents No.1 and 2, was one month i.e. 1st July, 2004 to 31st July, 2004. Nothing has been placed on record to show in what manner the objections were called from the claimants. There is absolutely no material on record with regard to the mode of calling for the objections from the claimants as per the draft identifying 192 persons.

It is clear from the contents of Annexure PA, PB and PC that the endeavour of the respondents is to mitigate the hardships faced by the persons whose land has been acquired for the purpose of construction of Chamera Hydel Projects. Once the scheme has been framed the endeavour of the respondents is to see that the persons, who are entitled, are given the financial package after adjudging the claims. The respondents No.1 and 2 have adopted a very narrow approach of not

including the names of the petitioners in the list of 192 persons on the ground that they had not filed any objections within the stipulated period i.e. 1st July, 2004 to 31st July, 2004.

It is a fit case where the petitioners are to be permitted to raise objections against the issuance of Annexure R-1. Mr. Dharamvir Sharma, Advocate submits that the petitioners will prefer objections to the respondents No.1 and 2 for inclusion of their names in the list seeking financial package.

Accordingly this writ petition is disposed of with following directions:

i) **The petitioners will make a representation to the respondents No.1 and 2 for inclusion of their names in the list seeking financial package within a period of four weeks from today;**

ii) **The respondents No. 1 and 2 will decide the representations/objections within a period of four weeks thereafter; and**

iii) **If, representations made by the petitioners are accepted by the respondents No.1 and 2, they will be considered for financial package in accordance with law.**

There shall be order as to costs.

June 12, 2007 **(Rajiv Sharma), Judge**
Awasthi